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individually and on behalf of all others similarly situated

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14 UNITED STATES DISTRICT COURT
15
NORTHERN DISTRICT OF CALIFORNIA

16 WILLIAM MULLER and ANTONIO
17 KNEZEVICH, individually and on behalf of all
others similarly situated,

18 Plaintiffs,
v.

20 UKG INC.; and DOES 1 through 10,

22 Defendants.

23 ADAM BENTE, individually and on
behalf of all others similarly situated,

25 Plaintiff,
v.

27 UKG INC.

28 Defendant.

Case No.: 22-CV-00346-SI

**STIPULATION AND ~~[PROPOSED]~~
ORDER TO CONSOLIDATE RELATED
ACTIONS**

Case No.: No. 3:22-cv-02554-SI

1 CINDY VILLANUEVA, individually and on
2 behalf of all others similarly situated,

Case No.: 3:22-cv-01789-SI

3 Plaintiff,

4 v.

5 UKG Inc.,

6 Defendant.

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24 Plaintiffs Williams Muller, (“Muller”), Antonia Knezevich (“Knezevich”), Adam Bente
25 (“Bente”) and Cindy Villanueva (“Villanueva”), by and through their counsel, and Defendant
26 UKG Inc. (“UKG” or “Defendant”), by and through its counsel, hereby stipulate to the
27 following:

28 WHEREAS, there are now currently pending before this Court, the Hon. Susan Illston
presiding, the following three actions:

- 29 1. *Muller v. UKG Inc.*, Case No. 22-00346, filed January 18, 2022, and originally
30 assigned to this Court (the “*Muller Action*”);
- 31 2. *Bente v. UKG Inc.*, Case No. 22-02554, filed March 4, 2022 in the Southern District
32 of California, transferred to this District on April 26, 2022, and thereafter related to
33 the *Muller Action* on May 4, 2022 (the “*Bente Action*”);

1 3. *Villanueva v. UKG Inc.*, Case No. 22-01789, filed March 21, 2022 in this District
 2 and thereafter related to the *Muller* action on April 18, 2022 (the “*Villanueva*
 3 Action”);

4 WHEREAS, the *Muller*, *Bente*, and *Villanueva* Actions (the “Related Actions”) are each
 5 putative class actions against UKG that assert claims on behalf of a purported nationwide class
 6 and California subclass of individuals whose personally identifiable information (“PII”) and
 7 payroll systems were allegedly compromised as a result of a ransomware attack on a subset of,
 8 UKG’s workforce management software applications that are hosted on the Kronos Private
 9 Cloud in December 2021 (the “Data Breach”);

10 WHEREAS, the Related Actions concern substantially similar parties, arise from the
 11 same set of facts, and assert similar causes of action, including negligence, unjust enrichment,
 12 declaratory judgment, breach of contract, right to privacy, the California Consumer Records Act,
 13 California Consumer Privacy Act, and the California Unfair Competition Law;

14 WHEREAS, the parties in each of the Related Actions have met and conferred and
 15 agreed to work cooperatively, to coordinate their efforts, and to promote judicial economy and
 16 avoid duplicative discovery and motion practice;

17 WHEREAS, the parties therefore have agreed to consolidate the Related Actions for all
 18 purposes pursuant to Fed. R. Civ. P. 42(a);

19 WHEREAS, in order to advance the case through an orderly process, the parties have
 20 agreed to a schedule that extends Defendant’s time to respond to the complaints until after a
 21 consolidated amended complaint is filed. The parties have also agreed to a schedule governing
 22 briefing on any motion to dismiss or responses to the consolidated amended complaint.

23 WHEREAS, the *Muller* Action and *Bente* Action have an Initial Case Management
 24 Conference set for June 3, 2022, at 2:30PM via Videoconference. The Initial Case Management
 25 Conference in the *Villanueva* Action is set for June 24, 2022, at 2:30PM via Videoconference;

26 WHEREAS, the parties agree that in coordinating their efforts, the Initial Case
 27 Management Conference in the *Muller* Action and *Bente* Action should be continued to the date
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1 set in the *Villanueva* Action, June 24, 2022, at 2:30, and the date to submit a Joint Case
 2 Management Statement between all parties shall be June 17, 2022;

3 WHEREAS, the parties agree nothing in this stipulation, proposed order, or enacted order
 4 shall restrict any party's rights under 28 U.S.C. § 636(c) or Northern District of California
 5 General Order 44;

6 WHEREAS, the parties agree nothing in this stipulation, proposed order, or enacted order
 7 shall be cited by or used in support of any future briefing on issues relating to class certification
 8 in the above-mentioned Related Actions;

9 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, among the
 10 undersigned parties, and respectfully submitted for the Court's approval, as follows:

11 1. The above-captioned Related Actions (collectively, "the Consolidated Action")
 12 are hereby consolidated for all purposes pursuant to Federal Rule of Civil Procedure 42(a);

13 2. A Master Docket and Master File are hereby established for the Consolidated
 14 Action. The Master File number shall be 3:22-00346-SI. A Master Docket will be maintained for
 15 the Actions with all entries to be docketed under the Master File number. If a document pertains
 16 to only one of the consolidated cases, it will be docketed on the Master Docket with the notation
 17 in the docket text as to the case number(s) to which it pertains;

18 3. The Action shall be referred to as: *In re UKG Inc Cybersecurity Breach Litigation*
 19 and every pleading or other paper filed in the Consolidated Action shall bear the following
 20 caption:

21 IN RE UKG INC CYBERSECURITY 22 LITIGATION	Master Docket No. 3:22-00346-SI
23 THIS DOCUMENT RELATES TO: 24	<u>CLASS ACTION</u>

26 4. All papers previously filed and served to date in the Related Actions are deemed
 27 part of the record in *In re UKG Inc Cybersecurity Breach Litigation*.
 28

5. Undersigned counsel for Defendant is authorized to accept, and hereby does accept, service of the summons and complaints in each of the above-captioned actions on behalf of Defendant, without prejudice to and waiver of any of Defendant's defenses, objections, or arguments, except as to sufficiency of service of process;

6. Defendant is not required to answer or otherwise respond to the currently filed complaints in the above-captioned actions;

7. Within 30 days of the Court's Order on consolidation, Plaintiffs shall file a Consolidated Amended Class Action Complaint (the "Consolidated Complaint");

8. Defendant shall file an answer or a motion to dismiss within 45 days after the filing of the Consolidated Complaint; and

9. If Defendant files a motion to dismiss, Plaintiffs shall file an opposition to the motion to dismiss within 45 days after the motion is filed, and Defendant shall file a reply within 21 days after the opposition is filed.

10. The date of the Initial Case Management Conference in the Consolidated Action shall be June 24, 2022, at 2:30 via Videoconference and the date to submit a Joint Case Management Statement shall be June 17, 2022.

IT IS SO STIPULATED.

Dated: May 19, 2022

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6 Dated: May 19, 2022

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16 Dated: May 19, 2022

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18 *Counsel for Defendant UKG Inc.*
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20 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**
21

22 DATED: May 20, 2022, 2022
23

24 
25 HON. SUSAN ILLSTON
26 UNITED STATES DISTRICT JUDGE
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28

FILER'S ATTESTATION OF CONCURRENCE

I, Dimitrios V. Korovilas, pursuant to Local Rule 5-1(i), attest that I am counsel for Plaintiffs William Muller and Antonio Knezevich. As the ECF user and filer of this document, I attest that concurrence in the filing of this document has been obtained from its signatories.

Date: May 19, 2022

WUCETICH & KOROVILAS LLP

By: /s/ Dimitrios V. Korovilas

Dimitrios V. Korovilas